

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

)
) **3:09-md-02100-DRH-PMF**
)
) **MDL No. 2100**
)

This Document Relates to:

*Denise Anderson, Individually and on behalf of the
estate of Deneen Anderson, deceased v. Bayer
HealthCare Pharmaceuticals Inc., et al.*

No. 3:14-cv-10305-DRH-PMF

*Melinda Fatani, Individually and on behalf of the
estate of Evelyn McNeill, deceased v. Bayer
HealthCare Pharmaceuticals Inc., et al.*

No. 3:14-cv-10304-DRH-PMF

ORDER GRANTING WITH PREJUDICE DISMISSAL PURSUANT TO CMO 79

On March 7, 2016, the Bayer Defendants moved to dismiss the claims of plaintiffs in the above captioned matters, with prejudice, pursuant to Section III of Case Management Order 79 (“CMO 79”). Pursuant to CMO 79, each plaintiff had 14 days to file an opposition to the Bayer Defendants’ motions to dismiss. Case Management Order 79 further provides that failure to timely file an opposition “will result in an automatic dismissal with prejudice.” CMO 79 § III ¶ 5(b). The above captioned plaintiffs failed to file an opposition to the Bayer Defendants’ motions to dismiss.¹ Accordingly, these actions are subject to automatic dismissal with prejudice.

¹ Under the Court’s Local Rule 7.1, plaintiffs’ failure to file a timely response is deemed an admission of the merits of the motion. SDIL LOCAL RULE 7.1(c).

The Court therefore **GRANTS** the motions to dismiss. The claims of the above captioned plaintiffs are **DISMISSED WITH PREJUDICE. FURTHER, the Court DIRECTS the Clerk to enter judgment in each of the above captioned actions.**

IT IS SO ORDERED.

Signed this 7th day of April, 2016.

David R. Herndon



Digitally signed by
Judge David R.
Herndon
Date: 2016.04.07
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United States District Court